

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
GP-302303 (8540R-000017)

In re Application of: Adrianna T. Morales, et al.

Application No. 10/738,344

Filed: 12/17/2003

For: Methods for Producing In Situ Metallic Foam Components

The owner\*, General Motors Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 7,100,259 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record. Reg. No. 44,672

February 12, 2007

Signature

Date

Christopher A. Eusebi

Typed or printed name

248-641-1600

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2007

Effective 2/8/2006. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

## Complete if Known

|                      |                           |
|----------------------|---------------------------|
| Application Number   | 10/738,344                |
| Filing Date          | December 17, 2003         |
| First Named Inventor | Arianna T. Morales et al. |
| Examiner Name        | John J. Zimmerman         |
| Art Unit             | 1775                      |
| Attorney Docket No.  | GP-302303 (8540R-000017)  |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☒ Deposit Account:

Deposit  
Account  
Number

07-0960

Deposit  
Account  
Name

General Motors Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1011     | 300      | 2011     | 150      | Utility filing fee     |          |
| 1012     | 200      | 2012     | 100      | Design filing fee      |          |
| 1013     | 200      | 2013     | 100      | Plant filing fee       |          |
| 1014     | 300      | 2014     | 150      | Reissue filing fee     |          |
| 1005     | 200      | 2005     | 100      | Provisional filing fee |          |

SUBTOTAL (1)

(\$) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 0            | 0            | 0              | 0        |
| 0            | 0            | 0              | 0        |
| 0            | 0            | 0              | 0        |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  |
|----------|----------|----------|----------|--|
| 1202     | 50       | 2202     | 25       | Claims in excess of 20                                     |
| 1201     | 200      | 2201     | 100      | Independent claims in excess of 3                          |
| 1203     | 360      | 2203     | 180      | Multiple dependent claim, if not paid                      |
| 1204     | 200      | 2204     | 100      | ** Reissue independent claims over original patent         |
| 1205     | 50       | 2205     | 25       | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for reexamination                                     |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 120      | 2251     | 60       | Extension for reply within first month                                     |          |
| 1252     | 450      | 2252     | 225      | Extension for reply within second month                                    |          |
| 1253     | 1020     | 2253     | 510      | Extension for reply within third month                                     |          |
| 1254     | 1,590    | 2254     | 795      | Extension for reply within fourth month                                    |          |
| 1255     | 2,160    | 2255     | 1080     | Extension for reply within fifth month                                     |          |
| 1401     | 500      | 2401     | 250      | Notice of Appeal   |          |
| 1402     | 500      | 2402     | 250      | Filing a brief in support of an appeal                                     |          |
| 1403     | 1000     | 2403     | 500      | Request for oral hearing   |          |
| 1452     | 500      | 2452     | 250      | Petition to revive - unavoidable   |          |
| 1453     | 1500     | 2453     | 750      | Petition to revive - unintentional   |          |
| 1462     | 400      | 1462     | 400      | Petition fee under 37 CFR 1.17(f)  |          |
| 1463     | 200      | 1463     | 200      | Petition fee under 37 CFR 1.17(g)  |          |
| 1464     | 130      | 1464     | 130      | Petition fee under 37 CFR 1.17(h)  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17 (q)                                       |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 790      | 2809     | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810     | 790      | 2810     | 395      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801     | 790      | 2801     | 395      | Request for Continued Examination (RCE)                                    |          |

Other fee (specify) Terminal Disclaimer Fee Under 37 CFR 1.20(d) 130

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$130)

### 4. SEARCH/EXAMINATION FEES

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description         |
|----------|----------|----------|----------|-------------------------|
| 1111     | 500      | 2111     | 250      | Utility Search Fee      |
| 1112     | 100      | 2112     | 50       | Design Search Fee       |
| 1113     | 300      | 2113     | 150      | Plant Search Fee        |
| 1114     | 500      | 2114     | 250      | Reissue Search Fee      |
| 1311     | 200      | 2311     | 100      | Utility Examination Fee |
| 1312     | 130      | 2312     | 65       | Design Examination Fee  |
| 1313     | 160      | 2313     | 80       | Plant Examination Fee   |
| 1314     | 600      | 2314     | 300      | Reissue Examination Fee |

SUBTOTAL (4) (\$0)

## SUBMITTED BY

Complete (if applicable)

|                   |               |                                   |                   |           |              |
|-------------------|---------------|-----------------------------------|-------------------|-----------|--------------|
| Name (Print/Type) | Anna M. Budde | Registration No. (Attorney/Agent) | 35,085            | Telephone | 248-641-1600 |
| Signature         | Anna M. Budde | Date                              | February 12, 2007 |           |              |

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